



General Assembly

January Session, 2007

Raised Bill No. 7304

LCO No. 5045

05045_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING THE HUMANE TREATMENT OF BIRDS AND ANIMALS AND THE DISCARDING OF FISHING LINE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) For purposes of this
2 section: (1) "Egg-laying hen" refers to a female domesticated chicken,
3 turkey, duck, goose or guinea fowl used for the purpose of egg
4 production; and (2) "living space" means a cage, crate or other
5 structure used to confine egg-laying hens.

6 (b) Except as provided in subsection (c) of this section, no person
7 shall confine an egg-laying hen for more than twelve hours per day to
8 a living space that does not allow such hen sufficient space to fully
9 extend both wings without touching the sides of such living space or
10 without touching other birds within such living space.

11 (c) This section shall not apply to the confinement of egg-laying
12 hens during individualized veterinary care, lawful transport, lawful
13 slaughter or lawful state or county fair exhibitions.

14 (d) Any person who violates subsection (b) of this section shall be
15 fined not less than two hundred dollars or more than five hundred

16 dollars per day for each day such violation occurs.

17 Sec. 2. Section 4a-51 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective October 1, 2007*):

19 (a) The Commissioner of Administrative Services shall: (1) Purchase,
20 lease or contract for all supplies, materials, equipment and contractual
21 services required by any state agency, except as provided in sections 4-
22 98 and 4a-57; (2) enforce standard specifications established in
23 accordance with section 4a-56; (3) establish and operate a central
24 duplicating and mailing room for state agencies located in or near the
25 city of Hartford and such other places as he deems practical; and (4)
26 establish and operate or have supervisory control over other central
27 supply services in such locations as may best serve the requirements of
28 the state agencies.

29 (b) The Commissioner of Administrative Services, when purchasing
30 or contracting for the purchase of dairy products, poultry, eggs, fruits
31 or vegetables pursuant to subsection (a) of this section, shall give
32 preference to dairy products, poultry, eggs, fruits or vegetables grown
33 or produced in this state, when such products, poultry, eggs, fruits or
34 vegetables are comparable in cost to other dairy products, poultry,
35 eggs, fruits or vegetables being considered for purchase by the
36 commissioner that have not been grown or produced in this state.

37 (c) Notwithstanding the provisions of subsection (b) of this section
38 or any other provision of the general statutes, the Commissioner of
39 Administrative Services shall not purchase eggs unless such eggs are
40 produced by cage-free hens. For purposes of this subsection: (1) "Eggs"
41 means shell eggs of domesticated chickens, turkeys, ducks, geese or
42 guinea fowl, and (2) "cage-free hen" means a female domesticated
43 chicken, turkey, duck, goose or guinea fowl that, other than being
44 confined during the first ten days of its life, during actual transport or
45 during individualized veterinary care by a licensed veterinarian for a
46 period not greater than ten days, has never been confined for more
47 than twelve hours in any day in a structure that does not allow such

48 hen to fully spread its wings without touching the sides of such
49 enclosure or other birds in such enclosure.

50 Sec. 3. Section 4a-52a of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2007*):

52 (a) Notwithstanding the provisions of section 4a-51, as amended by
53 this act, or 4a-52, the chief executive officer of each constituent unit of
54 the state system of higher education or, in the case of the Connecticut
55 State University system, the chief executive officer of a state university,
56 is authorized to purchase supplies, materials, equipment, contractual
57 services, as defined in section 4a-50, execute personal service
58 agreements as defined in section 4-212, lease personal property in
59 accordance with section 10a-151b, and undertake printing, publishing
60 and microfilming for such constituent unit or institution. The
61 provisions of sections 4-212 to 4-219, inclusive, and section 9 of public
62 act 93-336* shall not apply to personal service agreements executed
63 pursuant to this section.

64 (b) The chief executive officer of each constituent unit of the state
65 system of higher education or, in the case of the Connecticut State
66 University system, the chief executive officer of a state university may
67 disqualify any person, firm or corporation, for up to two years, from
68 bidding on contracts with the constituent unit or institutions under its
69 jurisdiction, pursuant to section 10a-151b, for supplies, materials,
70 equipment and contractual services required by the constituent unit or
71 institution, for one or more causes specified in subsection (d) of this
72 section. The chief executive officer may initiate a disqualification
73 proceeding only after consulting with the Attorney General and shall
74 provide notice and an opportunity to be heard to the person, firm or
75 corporation which is the subject of the proceeding. The chief executive
76 officer shall issue a written decision within ninety days of the last date
77 of such hearing and state in the decision the reasons for the action
78 taken, and if the person, firm or corporation is being disqualified, the
79 period of the disqualification. The chief executive officer shall send the

80 decision to such person, firm or corporation by certified mail, return
81 receipt requested, and a copy of the decision shall be sent to the
82 Commissioner of Administrative Services. The written decision shall
83 be a final decision for the purposes of sections 4-180 and 4-183.

84 (c) Before initiating such a proceeding or during the proceeding, the
85 chief executive officer may, after consulting with the Attorney General,
86 suspend the person, firm or corporation from being considered for the
87 awarding of such a contract for such supplies, materials, equipment or
88 contractual services, if the chief executive officer determines that there
89 is probable cause for disqualification under subsection (b) of this
90 section. No such suspension shall exceed three months. The chief
91 executive officer may suspend such a person, firm or corporation only
92 by issuing a written decision setting forth the reasons for, and the
93 period of the suspension. The chief executive officer shall send the
94 decision to such person, firm or corporation by certified mail, return
95 receipt requested, and a copy of the decision shall be sent to the
96 Commissioner of Administrative Services.

97 (d) Causes for disqualification or suspension from bidding on
98 contracts shall include the following:

99 (1) Conviction or entry of a plea of guilty for commission of a
100 criminal offense as an incident to obtaining or attempting to obtain a
101 public or private contract or subcontract, or in the performance of such
102 contract or subcontract;

103 (2) Conviction or entry of a plea of guilty under state or federal law
104 for embezzlement, theft, forgery, bribery, falsification or destruction of
105 records, receiving stolen property or any other offense indicating a
106 lack of business integrity or business honesty which affects
107 responsibility as a state contractor;

108 (3) Conviction or entry of a plea of guilty under state or federal
109 antitrust, collusion or conspiracy statutes arising out of the submission
110 of bids or proposals;

111 (4) Noncompliance with contract provisions, of a character regarded
112 by the chief executive officer to be of such gravity as to indicate a lack
113 of responsibility to perform as a contractor, including deliberate
114 failure, without good cause, to perform in accordance with
115 specifications or time limits provided in a contract;

116 (5) A recent record of failure to perform or of unsatisfactory
117 performance in accordance with the terms of one or more contracts,
118 unless such failure to perform or unsatisfactory performance was
119 caused by acts beyond the control of the contractor or supplier; or

120 (6) Any other cause the chief executive officer determines to be so
121 serious or compelling as to affect responsibility as a contractor,
122 including disqualification by another government entity, having
123 caused financial loss to the state or having caused a serious delay or
124 inability of state officials to carry out their duties on a past contract.

125 (e) Notwithstanding the provisions of sections 4a-51, as amended by
126 this act, and 4a-52, the Commissioner of Administrative Services may
127 delegate authority to any state agency to purchase supplies, materials,
128 equipment and contractual services, consistent with section 4a-67c, if
129 the commissioner determines, in writing, that (1) such delegation
130 would reduce state purchasing costs or result in more efficient state
131 purchasing, and (2) the agency has employees with experience and
132 expertise in state purchasing statutes, regulations and procedures. In
133 determining which agencies to delegate such purchasing authority to,
134 the commissioner shall give preference to agencies which have
135 exceeded the set-aside requirements of section 4a-60g. An agency to
136 whom such authority is delegated shall comply with all such statutes,
137 regulations and procedures and shall submit annual reports to the
138 Commissioner of Administrative Services on its purchase orders, in a
139 format prescribed by the commissioner. The Commissioner of
140 Administrative Services or his designee shall periodically review each
141 such delegation of purchasing authority and may revoke or modify a
142 delegation upon determining that the agency has violated any

143 provision of the delegation or that there is evidence of insufficient
144 competition in the competitive bidding or competitive negotiation
145 process. Not later than October 1, 1996, and annually thereafter, the
146 commissioner shall submit a report to the joint standing committee of
147 the General Assembly having cognizance of matters relating to
148 government administration, which shall, for the preceding fiscal year,
149 (A) list the agencies exercising delegated purchasing authority, and (B)
150 summarize the types of contracts entered into by such agencies
151 pursuant to such delegated authority and the purchasing efficiencies
152 realized from the delegated authority.

153 (f) No eggs shall be purchased pursuant to this section unless such
154 eggs are produced by cage-free hens. For purposes of this subsection:
155 (1) "Eggs" means shell eggs of domesticated chickens, turkeys, ducks,
156 geese or guinea fowl, and (2) "cage-free hen" means a female
157 domesticated chicken, turkey, duck, goose or guinea fowl that, other
158 than being confined during the first ten days of its life, during actual
159 transport, or during individualized veterinary care by a licensed
160 veterinarian for a period not greater than ten days, has never been
161 confined for more than twelve hours in any day in a structure that
162 does not allow such hen to fully spread its wings without touching the
163 sides of such enclosure or other birds in such enclosure.

164 Sec. 4. Section 26-72 of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective October 1, 2007*):

166 The commissioner may, after notice and public hearing conducted
167 in the manner prescribed by section 26-67, issue regulations governing
168 and prescribing the taking of all species of fur-bearing animals by use
169 of traps within the state. Such regulations may (1) establish the open
170 and closed seasons, (2) establish the legal hours, (3) prescribe the legal
171 methods that may be used, including size, type and kind of traps and
172 the type and kind of bait and lures, (4) designate the places where
173 traps may be placed and set and the conditions under which the
174 placing and setting of traps will be legal, (5) establish the daily bag

175 limit and the season bag limit, (6) assess a reasonable fee, or develop a
176 comparable equitable plan, for season trapping rights on state-owned
177 property. Assignment of such rights for specific areas may be
178 determined by drawing or by the order in which requests therefor are
179 recorded as received in the office of the commissioner when there is a
180 set fee for such areas, or the method of high bid may be used. No
181 person shall set, place or attend any trap upon the land of another
182 without having in his possession the written permission of the owner
183 or lessee of such land, or his agent, and no person shall set, place or
184 attend any trap not having the name of the person using such trap
185 legibly stamped thereon or attached thereto; provided the owner or
186 legal occupant of such land or such person as he designates may set,
187 place or attend any legal steel trap in any place within a radius of one
188 hundred feet of any permanent building located on such land. No
189 person who sets, places or attends any trap shall permit more than
190 twenty-four hours to elapse between visits to such trap; provided, if
191 such twenty-four-hour period expires before sunset, the person who
192 set such trap shall have until sunset to visit the same. No person shall
193 place, set or attend any snare, net or similar device capable of taking or
194 injuring any animal. No person shall manufacture, sell, possess or use
195 a steel jaw or padded steel jaw leg hold trap capable of taking or
196 injuring any animal. The pelt of any fur-bearing animal legally taken
197 may be possessed, sold or transported at any time. Upon demand of
198 any officer having authority to serve criminal process or any
199 representative of the Department of Environmental Protection, any
200 person in possession of any such pelt shall furnish to such officer or
201 such representative satisfactory evidence that such pelt was legally
202 taken or acquired. No provision hereof shall be construed as
203 prohibiting any landowner or lessee of land used for agricultural
204 purposes or any citizen of the United States, or any person having on
205 file in the court having jurisdiction thereof a written declaration of his
206 intention to become a citizen of the United States, who is regularly
207 employed by such landowner or lessee, from pursuing, trapping and
208 killing at any time any fur-bearing animal, except deer, which is

209 injuring any property, or the owner of any farm or enclosure used for
210 breeding or raising any legally acquired fur-bearing animal who has a
211 game breeder's license issued by the commissioner or a fur breeder's
212 license issued by the Livestock Division of the Department of
213 Agriculture, from taking or killing any such animal legally in his
214 possession at any time or having in possession any pelt thereof. No
215 person shall molest, injure or disturb any muskrat house or den at any
216 time. Any fur-bearing animal legally taken alive may be possessed by
217 the person taking the same, provided he shall notify the commissioner
218 in a writing signed by him stating the species and sex of such animal,
219 the date and the name of the town where such animal was taken and
220 the specific address where such animal will be kept. Any
221 representative of the department may at any time inspect such animal
222 and the enclosure or other facilities used to hold such animal and make
223 inquiry concerning the diet and other care such animal should have
224 and if, in the opinion of the commissioner or such representative, such
225 animal is not being provided adequate or proper facilities or care, such
226 animal may be seized by such representative of the department and be
227 disposed of as determined by the commissioner. Fur-bearing animals
228 taken alive, as herein provided, shall not be sold or exchanged,
229 provided the person who legally possesses such animal may apply to
230 the commissioner for a game breeder's license or to the Livestock
231 Division of the Department of Agriculture for a fur breeder's license
232 and when so licensed he may breed such animal and the progeny
233 thereof, and such issue when three generations removed from the wild
234 may be sold or exchanged alive or dead. Any trap illegally set and any
235 snare, net or similar device found placed or set in violation of the
236 provisions of this section shall be seized by any representative of the
237 department and, if not claimed within twenty-four hours, the
238 commissioner may order such trap, snare, net or other device
239 destroyed, sold or retained for use by the commissioner. Any person
240 who violates any provision of this section or any regulation issued by
241 the commissioner shall be fined not more than two hundred dollars or
242 be imprisoned not more than sixty days or both. Whenever any person

243 is convicted, or forfeits any bond, or has his case nolledd upon the
244 payment of any sum of money, or receives a suspended sentence or
245 judgment for a violation of any of the provisions of this section or any
246 regulation issued hereunder by the commissioner, all traps used, set or
247 placed in violation of any such provisions or any such regulation may,
248 by order of the trial court, be forfeited to the state and may be retained
249 for use by the department or may be sold or destroyed at the discretion
250 of the commissioner. The proceeds from any such sale shall be paid to
251 the State Treasurer and by him credited to the General Fund.

252 Sec. 5. Section 22a-248 of the general statutes is repealed and the
253 following is substituted in lieu thereof (*Effective October 1, 2007*):

254 As used in sections 22a-247 to 22a-249, inclusive, 22a-250 and 22a-
255 251:

256 (1) "Commissioner" means the Commissioner of Environmental
257 Protection or his designated agent as defined in subsection (b) of
258 section 22a-2;

259 (2) "Department" means the Department of Environmental
260 Protection;

261 (3) "Person" means person as defined in subsection (c) of section
262 22a-2;

263 (4) "Litter" means any discarded, used or unconsumed substance or
264 waste material, whether made of aluminum, glass, plastic, rubber,
265 paper, or other natural or synthetic material, or any combination
266 thereof, including, but not limited to, fishing line, any bottle, jar or can,
267 or any top, cap or detachable tab of any bottle, jar or can, any
268 unlighted cigarette, cigar, match or any flaming or glowing material or
269 any garbage, trash, refuse, debris, rubbish, grass clippings or other
270 lawn or garden waste, newspaper, magazines, glass, metal, plastic or
271 paper containers or other packaging or construction material which
272 has not been deposited in a litter receptacle;

273 (5) "Litter bag" means a bag, sack or other container made of any
274 material which is large enough to serve as a receptacle for litter inside
275 a motor vehicle or watercraft of any person and is not necessarily
276 limited to the state recommended litter bag but shall be similar in size
277 and capacity;

278 (6) "Litter receptacle" means a receptacle suitable for the depositing
279 of litter;

280 (7) "Vehicle" includes every device capable of being moved upon a
281 public highway and in, upon or by which any person or property is or
282 may be transported or drawn upon a public highway, except devices
283 moved by human or animal power or used exclusively upon stationary
284 rails or tracks;

285 (8) "Watercraft" means any boat, ship, vessel, barge or other floating
286 craft;

287 (9) "Public place" means any area that is used or held out for use by
288 the public whether owned or operated by public or private interests;

289 (10) "Recycling" means the process of sorting, cleansing, treating
290 and reconstituting waste or other discarded material for the purpose of
291 using the altered form;

292 (11) "Recycling center" means any facility at which recyclable
293 material is processed or stored, separated or prepared for reuse or
294 resale;

295 (12) "Dump" means to discard (A) more than one cubic foot in
296 volume of litter at one time, or (B) furniture, garbage bags or contents
297 thereof or other similar materials. Material which has been placed at a
298 location with an intent to leave it indefinitely at such location, or
299 material which has not been removed from a location within forty-five
300 days, is deemed discarded.

301 Sec. 6. Section 26-112 of the general statutes is repealed and the

302 following is substituted in lieu thereof (*Effective October 1, 2007*):

303 The commissioner may, after notice and public hearing, issue
304 regulations governing fishing for all species of fish and the taking of all
305 bait species in the inland district, which regulations may: (1) Establish
306 the open and closed seasons, which may be modified by decreasing or
307 increasing the number of days on any specific species, (2) establish
308 hours, days or periods during the open season when fishing shall not
309 be permitted in designated waters for all or limited species, (3)
310 prescribe the legal methods of taking, (4) establish the legal length, (5)
311 establish the daily creel limit, the season creel limit and the possession
312 limit, (6) restrict or prohibit wading in streams or portions thereof,
313 fishing from boats, canoes, rafts and other floating devices and fishing
314 from designated land areas, (7) establish the maximum number of
315 persons, boats, canoes and other floating devices that may use any area
316 of water for fishing, (8) require that a permit be obtained from the
317 landowner or his agent, or from the commissioner or an agent of the
318 department, to enter upon designated premises or areas for the
319 purpose of fishing, and further require that such permit be returned
320 within a specified time to the issuing authority with an accurate report
321 of all fish taken under such permit, time spent on the area and any
322 other data required by the commissioner for management purposes,
323 (9) restrict or prohibit the use of any craft other than manually
324 propelled, (10) designate areas of land and water that shall be
325 restricted for the exclusive use of children or the physically
326 handicapped. For the purpose of protecting public and private
327 interests and preventing unreasonable conduct and abuses by
328 fishermen, and to provide reasonable control of the actions and
329 behavior of such persons, said commissioner may issue regulations
330 and orders to (11) provide that entrance to and exit from streams, lakes
331 and ponds shall be restricted to rights-of-way designated by posters or
332 that consent shall be obtained from the landowner or his agent, (12)
333 establish reasonable distances from the banks of streams, lakes and
334 ponds beyond which fishermen shall not trespass, (13) prohibit
335 crossing over lawns and lands under cultivation, (14) prohibit damage

336 to property, livestock and agricultural crops, (15) prohibit swimming
 337 and picnicking in designated areas, (16) prohibit the operation or
 338 parking of vehicles on designated portions of public and private roads,
 339 parking areas, lanes, passageways, rights-of-way, fields and lots, (17)
 340 prohibit the discarding of fishing line, bottles, glass, cans, paper, junk,
 341 litter and trash, (18) control the launching, anchoring, mooring, storage
 342 and abandonment of boats, trailers and related equipment on
 343 properties under the control of the commissioner.

344 Sec. 7. (NEW) (*Effective October 1, 2007*) Each sport fishing license
 345 issued pursuant to part III of chapter 490 of the general statutes shall
 346 contain a conspicuous statement printed on such license stating that
 347 any person who discards fishing line in the waters of the state, on
 348 public property of the state or on private property not owned by such
 349 person shall be subject to a fine under section 22a-250 of the general
 350 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	4a-51
Sec. 3	<i>October 1, 2007</i>	4a-52a
Sec. 4	<i>October 1, 2007</i>	26-72
Sec. 5	<i>October 1, 2007</i>	22a-248
Sec. 6	<i>October 1, 2007</i>	26-112
Sec. 7	<i>October 1, 2007</i>	New section

Statement of Purpose:

To prohibit inhumane hen caging practices, to require state purchasing of cage-free hen eggs, to prohibit leg hold traps and to prohibit the discarding of fishing line on state land and in state waters and on certain private land.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]